

Co-operative Federation of Victoria Ltd

The Co-operative Option and Retirement Villages

The Co-operative Federation of Victoria Ltd is the peak body for co-operatives in Victoria. Recent activities and achievements of the Federation have included:

- Published the Co-opAdvantage Developing Directors of Co-operatives Kit.
- Published What is a co-operative?
- Published Why do co-operatives fail as co-operatives?
- Published The Co-operative Formation Decision.
- Continuing a partnership with Monash University Agribusiness for the Annual Agribusiness Co-operative Directors Seminar.
- Developing a co-operation web site under the DotCoop Community Name Program: <http://www.australia.coop>
- Continuing an energy alliance with Co-operative Energy Ltd.
- Published The Co-op Start-Up Manual.
- Organising a Marketing Our Co-operative Advantage Workshop at Warrnambool.

Co-operation in Australia

A new report released by ACCORD Wickremarachchi , Jayo and Passey, Andrew State of the Sector: New South Wales Co-operatives 1990-2000, ACCORD, June 2003 This report State of the Sector: New South Wales Co-operatives 1990-2000 is compelling because it meets a critical need for robust statistical information about co-operatives. The report provides this overview of co-operatives in NSW inter alia. In the middle of 2000 there were 787 active co-operatives in NSW and eight under administration. The analysis is based on 676 co-operatives who submitted annual returns for 1999-2000. The report covers co-operatives registered under NSW state co-operative legislation. It does not include, therefore, credit unions, building societies and friendly societies:

- More than three quarters have an annual turnover of less than A\$1 million.
- Four percent of co-operatives account for 72% of total turnover in the sector.
- Current assets of over A\$1 billion.
- 1.29 million members
- Approximately 13,500 employees.
- An annual turnover of A\$4.4 billion.

The focus of this report is co-operatives in NSW but there is some useful Australia-wide information. It is noted that the number of co-operatives under separate co-operative acts in the different States and Territories was more than 2,350 in 2000. Of these, 37% were in NSW and 44% in Victoria.

The Victorian Government's Review of the Retirement Villages Act 1986 provides an excellent opportunity for the Victorian Government to clarify and protect the rights of

retirement village residents and encouraging and supporting the development of an ethical and viable industry. Regretfully, however, the analysis is incomplete.

The basis of this incompleteness is the failure of the review to recognize the importance of ownership to protecting the rights of retirement village residents.

The review does recognise, however, that the private and non-profit village operators offer a wide range of residential options. It also notes that continued private sector involvement and competition is necessary to serve the interests of consumers and should be encouraged.

The review refers to information asymmetry - where there is a difference in the knowledge or information about product or service quality by buyers and sellers. There is not a recognition, however, that there is a more fundamental information asymmetry - knowledge or information about ownership options and choices and their impact on product or service quality.

'It is apparent, therefore, that the review does not recognise that ownership options and choices are fundamental to protecting the rights of retirement village residents. Instead of retirement village residents being subjects, they are regarded as objects of government legislation and regulation and private and non-profit providers. This is why in 4.6 there is an emphasis by the review on resident participation.'

It is noted, for example: "A well functioning residents' committee adds value to a retirement village, as residents can offer significant assistance to the overall functioning of a village and can contribute to a stable village environment. Residents' committees are a common way for residents to have influence over their village, but a committee's role varies from village to village."

What the review is assuming, therefore, is that residents are objects of the reviews' own assessment and the review concern is to facilitate resident participation with ownership and control remaining with private and not-for-profit operators. Consistent with this is the reviews' subsequent support for a retirement villages residents' association which the review identifies in 4.14 "provide a collective voice for retirement village residents and offer information and help to individual residents, educational presentations to residents' groups and advocacy."

A broader and more coherent perspective would have, instead, considered the issue in terms of governance and examined various models of ownership and control by residents with residents ultimately determining their own preferences.

There are five broad governance models:

- Full ownership and control - residents would form the retirement village and would exercise full ownership and control.
- Partial ownership and control - residents would exercise partial ownership and control.
- No ownership and partial control - ownership would be external by private or not-for-profit agencies but decision-making could be delegated by owners.
- No ownership and control but discretionary input to control - residents would have no ownership and control e.g. a retirement villages residents' association. There would be

a discretionary right to participate - to input into decision-making. The owners could, however, decide to withdraw or change the conditions and nature of participation. Participation is not, however, control.

- No ownership and control but legislatively determined input to control. There would be a legislatively determined right to participate as set out in government legislation.

Instead of exploring these governance options, the focus of the review is the last model - no ownership and control but input to control.

The co-operative option for retirement villages is, of course, dependent on the voluntary choice and decision of residents. A critical basis for informed choice by residents is for public policy to include the co-operative option. As a member of the ILO Australia is required to promote the co-operative option as per R193 Promotion of Cooperatives Recommendation, 2002. A copy of R193 follows.

If government reviews and existing and subsequent legislation ignore the co-operative option the, for existing and future residents, this tends to preclude consideration of the co-operative option - for all practical purposes at least.

David Griffiths

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R193 Promotion of Cooperatives Recommendation, 2002

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Recognizing the importance of cooperatives in job creation, mobilizing resources, generating investment and their contribution to the economy, and

Recognizing that cooperatives in their various forms promote the fullest participation in the economic and social development of all people, and

Recognizing that globalization has created new and different pressures, problems, challenges and opportunities for cooperatives, and that stronger forms of human solidarity at national and international levels are required to facilitate a more equitable distribution of the benefits of globalization, and Noting the ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference at its 86th Session (1998), and Noting the rights and principles embodied in international labour Conventions and

Recommendations, in particular the Forced Labour Convention, 1930; the Freedom of Association and Protection of the Right to Organise Convention, 1948; the Right to Organise and Collective Bargaining Convention, 1949; the Equal Remuneration Convention, 1951; the Social Security (Minimum Standards) Convention, 1952; the Abolition of Forced Labour Convention, 1957; the Discrimination (Employment and Occupation) Convention, 1958; the Employment Policy Convention, 1964; the Minimum Age Convention, 1973; the Rural Workers' Organisations Convention and Recommendation, 1975; the Human Resources Development Convention and Recommendation, 1975; the Employment Policy (Supplementary Provisions) Recommendation, 1984; the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998; and the Worst Forms of Child Labour Convention, 1999, and

Recalling the principle embodied in the Declaration of Philadelphia that "labour is not a commodity", and

Recalling that the realization of decent work for workers everywhere is a primary objective of the International Labour Organization, and

Having decided upon the adoption of certain proposals with regard to the promotion of cooperatives, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation; adopts this twentieth day of June of the year two thousand and two the following Recommendation, which may be cited as the Promotion of Cooperatives Recommendation, 2002.

I. SCOPE, DEFINITION AND OBJECTIVES

1. It is recognized that cooperatives operate in all sectors of the economy. This Recommendation applies to all types and forms of cooperatives.

2. For the purposes of this Recommendation, the term "cooperative" means an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise.

3. The promotion and strengthening of the identity of cooperatives should be encouraged on the basis of: (a) cooperative values of self-help, self-responsibility, democracy, equality, equity and solidarity; as well as ethical values of honesty, openness, social responsibility and caring for others; and (b) cooperative principles as developed by the international cooperative movement and as referred to in the Annex hereto. These principles are: voluntary and open membership; democratic member control; member economic participation; autonomy and independence; education, training and information; cooperation among cooperatives; and concern for community.

4. Measures should be adopted to promote the potential of cooperatives in all countries, irrespective of their level of development, in order to assist them and their membership to: (a) create and develop income-generating activities and sustainable decent employment; (b) develop human resource capacities and knowledge of the values, advantages and benefits of the cooperative movement through education and training; (c) develop their business potential, including entrepreneurial and managerial capacities; (d) strengthen their competitiveness as well as gain access to markets and to institutional finance; (e) increase savings and investment; (f) improve social and economic well-being, taking into account the need to eliminate all forms of discrimination; (g) contribute to sustainable human development; and (h) establish and expand a viable and dynamic distinctive sector of the economy, which includes cooperatives, that responds to the social and economic needs of the community.

5. The adoption of special measures should be encouraged to enable cooperatives, as enterprises and organizations inspired by solidarity, to respond to their members' needs and the needs of society, including those of disadvantaged groups in order to achieve their social inclusion.

II. POLICY FRAMEWORK AND ROLE OF GOVERNMENTS

6. A balanced society necessitates the existence of strong public and private sectors, as well as a strong cooperative, mutual and the other social and non-governmental sector. It is in this context that Governments should provide a supportive policy and legal framework consistent with the nature and function of cooperatives and guided by the cooperative values and principles set out in Paragraph 3, which would:

- (a) establish an institutional framework with the purpose of allowing for the registration of cooperatives in as rapid, simple, affordable and efficient a manner as possible;
- (b) promote policies aimed at allowing the creation of appropriate reserves, part of which at least could be indivisible, and solidarity funds within cooperatives;
- (c) provide for the adoption of measures for the oversight of cooperatives, on terms appropriate to their nature and functions, which respect their autonomy, and are in accordance with national law and practice, and which are no less favourable than those applicable to other forms of enterprise and social organization;
- (d) facilitate the membership of cooperatives in cooperative structures responding to the needs of cooperative members; and

(e) encourage the development of cooperatives as autonomous and self-managed enterprises, particularly in areas where cooperatives have an important role to play or provide services that are not otherwise provided.

7. (1) The promotion of cooperatives guided by the values and principles set out in Paragraph 3 should be considered as one of the pillars of national and international economic and social development. (2) Cooperatives should be treated in accordance with national law and practice and on terms no less favourable than those accorded to other forms of enterprise and social organization. Governments should introduce support measures, where appropriate, for the activities of cooperatives that meet specific social and public policy outcomes, such as employment promotion or the development of activities benefiting disadvantaged groups or regions. Such measures could include, among others and in so far as possible, tax benefits, loans, grants, access to public works programmes, and special procurement provisions. (3) Special consideration should be given to increasing women's participation in the cooperative movement at all levels, particularly at management and leadership levels.

8. (1) National policies should notably:

(a) promote the ILO fundamental labour standards and the ILO Declaration on Fundamental Principles and Rights at Work, for all workers in cooperatives without distinction whatsoever;

(b) ensure that cooperatives are not set up for, or used for, non-compliance with labour law or used to establish disguised employment relationships, and combat pseudo cooperatives violating workers' rights, by ensuring that labour legislation is applied in all enterprises;

(c) promote gender equality in cooperatives and in their work;

(d) promote measures to ensure that best labour practices are followed in cooperatives, including access to relevant information;

(e) develop the technical and vocational skills, entrepreneurial and managerial abilities, knowledge of business potential, and general economic and social policy skills, of members, workers and managers, and improve their access to information and communication technologies;

(f) promote education and training in cooperative principles and practices, at all appropriate levels of the national education and training systems, and in the wider society;

(g) promote the adoption of measures that provide for safety and health in the workplace;

(h) provide for training and other forms of assistance to improve the level of productivity and competitiveness of cooperatives and the quality of goods and services they produce;

(i) facilitate access of cooperatives to credit;

- (j) facilitate access of cooperatives to markets;
- (k) promote the dissemination of information on cooperatives; and
- (l) seek to improve national statistics on cooperatives with a view to the formulation and implementation of development policies.

(2) Such policies should:

- (a) decentralize to the regional and local levels, where appropriate, the formulation and implementation of policies and regulations regarding cooperatives;
- (b) define legal obligations of cooperatives in areas such as registration, financial and social audits, and the obtaining of licences; and
- (c) promote best practice on corporate governance in cooperatives.

9. Governments should promote the important role of cooperatives in transforming what are often marginal survival activities (sometimes referred to as the "informal economy") into legally protected work, fully integrated into mainstream economic life.

III. IMPLEMENTATION OF PUBLIC POLICIES FOR THE PROMOTION OF COOPERATIVES

10. (1) Member States should adopt specific legislation and regulations on cooperatives, which are guided by the cooperative values and principles set out in Paragraph 3, and revise such legislation and regulations when appropriate. (2) Governments should consult cooperative organizations, as well as the employers' and workers' organizations concerned, in the formulation and revision of legislation, policies and regulations applicable to cooperatives.

11. (1) Governments should facilitate access of cooperatives to support services in order to strengthen them, their business viability and their capacity to create employment and income. (2) These services should include, wherever possible: (a) human resource development programmes; (b) research and management consultancy services; (c) access to finance and investment; (d) accountancy and audit services; (e) management information services; (f) information and public relations services; (g) consultancy services on technology and innovation; (h) legal and taxation services; (i) support services for marketing; and (j) other support services where appropriate.

(3) Governments should facilitate the establishment of these support services. Cooperatives and their organizations should be encouraged to participate in the organization and management of these services and, wherever feasible and appropriate, to finance them.

(4) Governments should recognize the role of cooperatives and their organizations by developing appropriate instruments aimed at creating and strengthening cooperatives at national and local levels.

12. Governments should, where appropriate, adopt measures to facilitate the access of cooperatives to investment finance and credit. Such measures should notably:

- (a) allow loans and other financial facilities to be offered;
- (b) simplify administrative procedures, remedy any inadequate level of cooperative assets, and reduce the cost of loan transactions;
- (c) facilitate an autonomous system of finance for cooperatives, including savings and credit, banking and insurance cooperatives; and
- (d) include special provisions for disadvantaged groups.

13. For the promotion of the cooperative movement, governments should encourage conditions favouring the development of technical, commercial and financial linkages among all forms of cooperatives so as to facilitate an exchange of experience and the sharing of risks and benefits.

IV. ROLE OF EMPLOYERS' AND WORKERS' ORGANIZATIONS AND COOPERATIVE ORGANIZATIONS, AND RELATIONSHIPS BETWEEN THEM

14. Employers' and workers' organizations, recognizing the significance of cooperatives for the attainment of sustainable development goals, should seek, together with cooperative organizations, ways and means of cooperative promotion.

15. Employers' organizations should consider, where appropriate, the extension of membership to cooperatives wishing to join them and provide appropriate support services on the same terms and conditions applying to other members.

16. Workers' organizations should be encouraged to:

- (a) advise and assist workers in cooperatives to join workers' organizations;
- (b) assist their members to establish cooperatives, including with the aim of facilitating access to basic goods and services;
- (c) participate in committees and working groups at the local, national and international levels that consider economic and social issues having an impact on cooperatives;
- (d) assist and participate in the setting up of new cooperatives with a view to the creation or maintenance of employment, including in cases of proposed closures of enterprises;
- (e) assist and participate in programmes for cooperatives aimed at improving their productivity;
- (f) promote equality of opportunity in cooperatives;
- (g) promote the exercise of the rights of worker-members of cooperatives; and

(h) undertake any other activities for the promotion of cooperatives, including education and training.

17. Cooperatives and organizations representing them should be encouraged to:

- (a) establish an active relationship with employers' and workers' organizations and concerned governmental and non-governmental agencies with a view to creating a favourable climate for the development of cooperatives;
- (b) manage their own support services and contribute to their financing;
- (c) provide commercial and financial services to affiliated cooperatives;
- (d) invest in, and further, human resource development of their members, workers and managers;
- (e) further the development of and affiliation with national and international cooperative organizations;
- (f) represent the national cooperative movement at the international level; and
- (g) undertake any other activities for the promotion of cooperatives.

V. INTERNATIONAL COOPERATION

18. International cooperation should be facilitated through:

- (a) exchanging information on policies and programmes that have proved to be effective in employment creation and income generation for members of cooperatives;
- (b) encouraging and promoting relationships between national and international bodies and institutions involved in the development of cooperatives in order to permit:
 - (i) the exchange of personnel and ideas, of educational and training materials, methodologies and reference materials;
 - (ii) the compilation and utilization of research material and other data on cooperatives and their development;
 - (iii) the establishment of alliances and international partnerships between cooperatives;
 - (iv) the promotion and protection of cooperative values and principles; and
 - (v) the establishment of commercial relations between cooperatives;
- (c) access of cooperatives to national and international data, such as market information, legislation, training methods and techniques, technology and product standards; and

(d) developing, where it is warranted and possible, and in consultation with cooperatives, employers' and workers' organizations concerned, common regional and international guidelines and legislation to support cooperatives.

VI. FINAL PROVISION

19. The present Recommendation revises and replaces the Co-operatives (Developing Countries) Recommendation, 1966.

ANNEX

EXTRACT FROM THE STATEMENT ON THE COOPERATIVE IDENTITY, ADOPTED BY THE GENERAL ASSEMBLY OF THE INTERNATIONAL CO-OPERATIVE ALLIANCE IN 1995

The cooperative principles are guidelines by which cooperatives put their values into practice.

Voluntary and open membership

Cooperatives are voluntary organizations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.

Democratic member control

Cooperatives are democratic organizations controlled by their members, who actively participate in setting their policies and making decisions. Men and women serving as elected representatives are accountable to the membership. In primary cooperatives members have equal voting rights (one member, one vote) and cooperatives at other levels are also organized in a democratic manner.

Member economic participation

Members contribute equitably to, and democratically control, the capital of their cooperative. At least part of that capital is usually the common property of the cooperative.

Members usually receive limited compensation, if any, on capital subscribed as a condition of membership. Members allocate surpluses for any or all of the following purposes: developing their cooperative, possibly by setting up reserves, part of which at least would be indivisible; benefiting members in proportion to their transactions with the cooperative; and supporting other activities approved by the membership.

Autonomy and independence

Cooperatives are autonomous, self-help organizations controlled by their members. If they enter into agreements with other organizations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.

Education, training and information

Cooperatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their cooperatives. They inform the general public - particularly young people and opinion leaders - about the nature and benefits of cooperation.

Cooperation among cooperatives

Cooperatives serve their members most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.

Concern for community

Cooperatives work for the sustainable development of their communities through policies approved by their members.